

New York Law Journal

Monday, April 20, 1992

Library Plays Strategic Role In Marketing

BY NATHAN AARON ROSEN

THE LIBRARY is playing an increasing role in marketing and client development efforts. As law firms become more aggressive in marketing their services and developing clients, they are also learning to draw on the library's expertise and resources.

The library's mission is to support the information needs of the law firm. To do this, the library acquires, organizes, maintains and disseminates books, periodicals and other sources of information. The key to making an informed decision is having complete and accurate information.

Marketing and client development also are information-driven, and information can provide a decisive competitive edge. Librarians, because of their ability to find and use information, are a crucial part of marketing and public relations activities. This ability may be a key factor in ensuring a law firm's survival in an increasingly complex and competitive environment.

Information alone cannot make a marketing program, but it is a necessary component. Librarians should be actively involved in any marketing campaign. Their participation will allow for the effective collection of information and will help avoid duplication of efforts.

Because of escalating competition and the uncertain economy, law firms today are required to prove themselves to clients on all fronts. The library plays an important role in defining a firm and setting it apart. Lawyers should be aware of the wealth of information that online data bases can provide for marketing. Computer research can prepare an attorney for virtually any event in minutes. The potential is limited only by the imagination of the librarian, attorney and marketing director.

Historically, attorneys have relied on the library for their general and specific needs: to keep them current in developments in the general law and in their particular areas of interest. Today, lawyers also use online sources to stay abreast of the current developments that might affect their clients' legal needs. In addition, lawyers are starting to use the library to assist in making firm business decisions — for example, opening a new office in another state, expanding practice groups into a new area of law or modifying the firm's billing structure.

The library can assist the firm in marketing by researching how competitors are marketing legal services. The library can collect information on other firms' marketing techniques, client newsletters and brochures and can conduct research on hiring a marketing director or tracking successful marketing programs.

Hiring Research

The library, further, can provide valuable information when a firm makes critical hiring decisions. Librarians often are asked to put together public profiles of potential hires.

Historically, the two standard computerized data bases were searched for an attorney's reported cases. Today, there are data bases that include court docket information listing attorneys for all cases filed in certain courts for a number of years. That information can provide a more complete view of the attorney's clients and types of litigation.

Continued on page S-9, column 1

In addition, a search of news articles can reveal when attorneys were mentioned for their legal practice. Attorneys' non-legal activities, such as marriages and activity in charitable organizations, can be researched as well.

Another library function is to locate former employees in order to provide leads to potential clients or to find jobs for attorneys leaving the firm. And the library has always been a resource for employees in locating important information on such things as medicine, stock prices and consumer advice.

For a firm's current clients, the library's continuing function is to provide the research material for the lawyers to aid in representation. That role, however, is only a part of the library's relationship to current clients. With a variety of data bases, the attorney now can get access to background information that may be crucial but was previously unattainable.

Client-oriented attorneys are interested in understanding the client's business and trends in the client's industry. This information should be provided by the library. The library can help the marketing department build a data base of information on current clients.

Some firms now provide a service of clipping information about major clients and building a central data base about them. Establishing an internal data base on current clients may be one of the most important things a firm can do in marketing.

Clients are always interested in hearing news about themselves. Attorneys who supply their clients with relevant stories demonstrate that they are on top of the news. This flow of information is a good way for the attorney to stay in touch with the client.

Direct Service

The library can also serve the firm's needs by marketing and client development directly to current clients. While direct service to clients of library materials and searches is still somewhat controversial, it increases the amount of client contact and commitment by the firm to the client, as well as providing a new "value-added" service. In general, it broadens the services a law firm can offer a client. Such "information brokering" can be used as a cross-selling mechanism, and at present a number of major firms are regularly providing research services for clients.

As for potential clients, the library plays a crucial research role in marketing and client development. Appropriate potential clients can be identified and relevant information about them can be gathered.

Moreover, the library can target particular markets by according to specific criteria. For example, if a law firm has developed special knowledge about representing lawyers who are on boards of directors of financial institutions, the library can identify all the attorneys who sit as directors on bank boards. This can be done by using traditional sources such as directories, new online sources and other specialized information tools.

There are a great many sources, both online and in books, that the library can use to develop lists of prospective clients. Those lists can identify all the companies in a given area or those that have legal needs that fit the firm's developed expertise.

Companies can be identified by industry, product, location, size or other factors. Development of prospective client lists is limited only by imagination, time and money. Carefully limited and specified list development will help the firm avoid the harmful consequences of "junk marketing."

Solicitation of clients continues to be regulated. This is true even in the aftermath of *Shapiro v. Kentucky Bar Association*, the 1988 U.S. Supreme Court case that held that certain targeted direct client mail solicitation is afforded a degree of protection as commercial speech under the First Amendment.

Care must be taken to avoid violating Model Code of Professional Responsibility DR 2-103 and Rule 7.3 of the Model Rules of Professional Conduct. In New York in 1979, the State Bar Association Committee on Professional Ethics held in Opinion Number 507 that it is not improper for a lawyer to mail a letter directly to potential corporate executives announcing availability of legal services.

Targeted Research

The next step for the library in client development, after gathering a list of potential clients, is to find out about particular companies. The traditional questions should be asked: who, what, why, where and how.

The law firm should have the library develop background reports that include general information about the company, its credit and financial history, legal situation, organi-

zational structure, locations of branches and subsidiaries, products, markets and strategic direction. This should include information about the company's ownership and personnel: who actually owns the company, and who are its officers, general counsel and outside counsel.

A firm that spends the time and effort to prepare background information about potential clients will gain a competitive advantage. Attorneys who arrive prepared impress the client by showing that they care enough to do their homework, and give the impression that they will undertake the same care in their representation.

Extensive background information about the potential client might point to new opportunities for the firm to provide legal services that might otherwise be overlooked. The attorney who uses the library to prepare illustrates sensitivity to the client's business considerations and focuses the firm's marketing efforts on issues in which the client is particularly interested.

The fact that the library can prepare the marketing department is itself a selling point. It attests to the ability of the law firm to provide research services to its clients.

One noteworthy event in which many law firms are now participating is competitive bidding — the "beauty contest" or "bake-off." The library's role in preparing the attorneys in this process is very important. Librarians are particularly skilled in preparing the background dossier on a company. They can play a crucial role in supporting the marketing department because of their training and experience in locating and organizing information.

Physical Presence

The library has traditionally been considered a storehouse of knowledge. In movies and television programs with legal themes, the library is typically shown. Interviews may be held in front of law library shelves and law books serve as the backdrop for lawyers posing for advertisements. The attention of the non-legal world converges on the law library as the symbol of the firm.

In addition, the library has often been used to market the firm to potential employees and law students. Students realize that many hours will be spent in the firm's library. To the potential lateral hire, the library shows the degree to which the firm is established.

To the firm members, the library represents a place to work away from the office. The library is also a place to ask other attorneys for advice on to research or firm politics. It serves as a showplace for friends, family and visiting attorneys.

***Some major firms
regularly provide
library materials and
research service
directly for clients.***

The library's physical presence can be used as a marketing tool for current and potential clients. Indeed, the trend is now to design libraries specifically as marketing tools for the firm. In new offices, the library makes a design statement.

Many firms locate the library up front, often directly off the reception area. The library serves as the embodiment of the law firm's image and reveals the manner and style of the firm's practice. The library's presence becomes an element similar to wood paneling, a panoramic view and artwork on the walls.

A Regular Stop

The library is usually a regular stop on the tour for potential clients. It is valuable to have potential clients meet the librarians and see the computer terminals. The librarians can impress potential clients with the amount of information that the library physically contains and with the information accessible on computer terminals.

A photograph and description of the library, focusing on the unique aspects of the collection, should be included in client brochures. The library can also be mentioned in client newsletters and recruiting materials.

If the library is large and attractive enough, it can be used after business hours as a location for client seminars. The librarian can prepare subject-specific bibliographies in conjunction with all seminars.

Use of the library has become an important marketing strategy. Proper use of library resources will provide the law firm with cost-effective solutions to a multitude of business questions.

Nathan Aaron Rosen is a lawyer and is the associate library director at New York's Proskauer Rose Goetz & Mendelsohn.